



# MINNESOTA BOARD OF DENTISTRY

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## Public Board Meeting Minutes July 24, 2015

### Call to Order

Board President David Gesko called the meeting to order at 8:00 a.m.

### Board Members Present

David Gesko, DDS – President  
Allen Rasmussen, MA, BS – Vice President  
Neal Benjamin, DDS – Secretary  
Teri Youngdahl, LDA – Past President  
Douglas Wolff, DDS  
Jake Manahan, JD  
Nancy Kearn, DH  
Paul Walker, DDS  
Steven Sperling, DDS

### Board Staff Present

Amy Johnson, Licensing Analyst  
Deb Endly, Compliance Officer  
Diane Anderson, Complaint Analyst  
Joyce Nelson, Interim Executive Director  
Kathy Johnson, Legal Analyst  
Mary Liesch, Complaints/Compliance Director  
Michelle Schroeder, Administrative Assistant  
Sheryl Herrick, Office Manager  
Vicki Vang, Administrative Assistant

### Attorney General's Office Counsel Present

Jennifer Middleton – Assistant Attorney General

### Others in Attendance (per sign-in sheet)

Candy Hazen, DH – MnDHA; Todd Thierer, DDS – U of M; Beth Rynders, LDA – MEDA; Dick Diercks – Park Dental; Kelli Olson, LDA – MnDAA; Jodi Hager, DT – MDTA; Karl Self, DDS – U of M; Sue Block, DDS – MDA; Liz Rydell, Midwest Dental; Rose Stokke, DH, LDA – CRDTS Examiner; Bridgett Anderson, LDA – MDA; David Robbins – Stinson Leonard Street

### Introductions

Board members, staff, and members of the public introduced themselves. New Board member Dr. Douglas Wolff and new staff member Diane Anderson were welcomed.

### Review and Approval of Minutes

Minutes from the April 10, 2015 Public Board meeting were reviewed and approved as submitted.

**Motion made to accept the April 10, 2015 minutes as submitted.**

**MOTION: Neal Benjamin**

**SECOND: Teri Youngdahl**

**VOTE: For: 9**

**Opposed: 0**

**RESULT: Motion Passed. Minutes approved as submitted.**

## **Professional Associations and Dental Educator Reports**

**MDA** – Susan Block indicated that a written report from MDA was included in the Board packet. She reported that Mission of Mercy was recently held in Duluth. Over 1500 patient visits occurred. Total donated care was nearly \$1,000,000. MDA will be hosting a risk management seminar in September.

**MnDHA** – Candy Hazen reported that the MnDHA treasurer has resigned, so they are looking for a replacement. She thanked the MDA for Mission of Mercy and suggested that they provide more patient wheelchairs next year.

**MnDAA** – Kelli Olson indicated that a written report from MnDAA was included in the Board packet. Teri Youngdahl pointed out that Kelli is the new President of MnDAA.

**MEDA** – Beth Rynders reported that there have recently been 3 retirements from MEDA and there will be many more in the near future. Beth indicated that MEDA gave a \$500 donation to Mission of Mercy. MEDA has been working on new questions for the DASLE exam.

**MDHEA** – No Report

**MDH Oral Health Program** – No Report

**U of M** – Todd Thierer indicated that a written report from the U of M was included in the packet for the Board Meeting. He thanked MDA for hosting Mission of Mercy and allowing U of M students to participate. Todd reported that the U has received a grant to allow students the opportunity to experience life in communities outside the twin cities and encourage them to practice in those communities.

**Metropolitan State University** – Written report included in Board packet

**Minnesota Dental Therapists' Association (MDTA)** – Jodi Hager reported that the Minnesota Dental Therapists' Association has elected new officers and passed a strategic plan. They are working on getting a website up and running. Jodi indicated that the association is considering visiting rural dental offices that are interested in knowing more about, and possibly hiring, dental therapists.

**Midwest Dental Laboratory Association** – No report

**Minnesota Society of Oral and Maxillofacial Surgeons (MSOMS)** – Written report included in Board packet

**Other Organizations/Associations** – Dick Diercks, Park Dental, reported that Park Dental would like to express support for the Board reviewing Dental Service Organizations since Aspen Dental, an organization that has a settlement order with the Attorney General of New York regarding violations of their practice act and law, has entered the Minnesota marketplace. Dick provided reference materials for Board members.

## **Interim Executive Director's Report**

Joyce Nelson indicated that a written report was included in the Board packet and reported on the following items:

- Financial reports were included in the Board packet, and Juli Vangsness will be presenting to the Board later in the meeting in order to discuss the need for fee increases.
- An Office and Administrative Specialist temporary position was recently posted for the Board office. This position will cover a maternity leave and staff vacation time. Joyce is hoping to have someone start the beginning of August.
- Joyce congratulated Deb Endly on 20 years with the Board.
- Building hours have changed- they will be addressed in Dr. Gesko's report.

**Budget Presentation** – Juli Vangsness, Director of the Administrative Services unit provided a presentation regarding the budget for the Board. She reported that the Board is not currently collecting enough revenue to cover their costs. State Statute requires that the Board balance their budget over a 5 year period. In order to do this, a fee increase is necessary. The Board proposed that the legislature increase maximum fees in statute. A table that indicated what the Board anticipated increasing the fees to this year along with new proposed maximum fees was included with the proposal for the fee increase. This proposal passed in the legislature, which now allows the Board to determine the amount fees should be increased.

Dr. Gesko indicated that a discussion regarding increasing fees and the amount of the increases would occur later in the meeting.

**Criminal Background Check Presentation** – Sean McCarthy, Program Manager of the Criminal Background Check Unit reported on the criminal background check (CBC) process. Health Licensing Boards are required by statute to have a CBC process in place for applicants by January 1, 2018. Dentistry is one of the first four boards to participate in the CBC process. If an applicant has a criminal history, the Board determines what to do. Sean indicated that he meets with the Executive Directors of the four Boards that are participating in the CBC process regularly and processes and procedures for the CBC are reviewed to determine if anything needs to be changed.

**Fee Increase Discussion** – Dr. Gesko indicated that although the proposed fee increase table provided at the October Board meeting indicated a July 1, 2015 start date, it was determined that the Board needed to vote on the actual amounts for the increase.

Allen Rasmussen made a motion, which was seconded by Paul Walker, that the Board adopt the fee increases as listed on the proposal table presented at the October meeting.

Discussion occurred regarding the amounts of fee increases. Nancy Kearn indicated that she would like to change the Dental Therapy fee and only charge \$200 for a renewal rather than the proposed \$240. Allen and Paul indicated that they would agree and change the motion.

**Motion made to adopt fees as listed below, to begin September 1, 2015:**

<b>Biennial Renewal Fees</b>	<b>Fee Amount</b>
Resident Provider	\$75
Faculty License	\$425
Dentist	\$425
Dental Hygienist	\$150
Licensed Dental Assistant	\$110
Dental Therapist	\$200
Dental Laboratory	\$50
Anesthesia Provider	\$325
<b>Miscellaneous Fees</b>	
Advanced Dental Therapy Exam (New Fee)	\$250
Corporation/Professional Firm Renewal Late Fee (New Fee)	\$15

**MOTION:** Allen Rasmussen

**SECOND:** Paul Walker

**VOTE:** For: 9

Opposed: 0

**RESULT:** Motion Passed. Fees to take effect September 1, 2015.

## **Committee Reports**

**Executive Committee/President's Report** – David Gesko reported that, following the resignation of the Executive Director, he followed the IOPP by consulting Teri Youngdahl and taking emergency action to appointing Joyce Nelson as the Interim Executive Director of the Board. The Executive Committee met on June 23<sup>rd</sup> and appointed an Executive Director Search Committee, which consists of the Executive Committee and Nancy Kearn as the hygiene representative. The ED position has been posted on the Minnesota Management and Budget website and a link is included on the Board website. The posting closes on July 31<sup>st</sup>. In an effort to be inclusive, the Executive Committee has determined that they will bring forward no less than two and no more than three candidates to the full Board to determine who to hire.

David reported that the Executive Committee determined that it is not necessary to meet prior to full Board meetings, but that preparation for the full Board meeting can happen electronically. In order for this to happen, if a committee has met, the Committee Chair must provide written reports for future Board meetings, and must do so in a timely manner. Executive Committee meetings will still be needed for other purposes such as mentoring a new Executive Director, so dates currently on the calendar will be saved and meetings will occur as necessary.

David informed the Board that there have been changes to the hours of the building. The building now locks at 5:30, so it is requested that all Board of Dentistry meetings begin no later than 5:00 p.m. in order to allow people to get into the building before the doors lock. Nancy Kearn indicated that educators who participate in the Allied Dental Education Committee meeting have requested that the meeting start no earlier than 6:00 because they are unable to attend earlier meetings.

**Policy Committee** – Neal Benjamin indicated that a written report was included in the Board packet. He noted that he would like to strike language in his report regarding a letter to the Attorney General's Office being included. A discussion regarding Dental Service Organizations will occur at a future Policy Committee meeting to formulate a request to the Attorney General's Office to give them direction on what the Board would like reviewed.

**Sedation Committee** – Paul Walker indicated that contracted inspectors have gone through calibration training for providing sedation inspections.

**Motion made that the Board enter into rulemaking to clarify that it is the responsibility of the Contracting Sedation Services (CSS) or Conscious Sedation (CS) Dentist to ensure that any sedation providers hired have adhered to the BLS/ACLS/PALS requirements of the Board of Dentistry.**

<b>MOTION:</b>	<b>Sedation Committee</b>
<b>VOTE:</b>	<b>For: 9</b>
	<b>Opposed: 0</b>
<b>RESULT:</b>	<b>Motion Passed. Rulemaking will be pursued.</b>

**Allied Dental Education Committee** – Nancy Kearn reported that the committee met in April. They discussed pursuing rulemaking to move some delegated duties from one subpart to another, but following discussion at the Board meeting, the issue will be brought back to the committee for further discussion.

Nancy indicated that the CODA proposal for dental hygiene would have serious implications for dental hygiene schools in Minnesota because it would require teaching all delegated duties in statute or rule to clinical competency. This would require the addition of time to the programs, and could cause technical school programs to close. Nancy feels a Board representative should attend the CODA meeting in August because of this issue. This will be addressed in the Travel Authorizations portion of the Board meeting.

**Dental Therapy Program Review Committee** – Nancy Kearn indicated that a written report was included in the Board packet. Dr. Suzanne Beatty has retired from Metropolitan State as of July 1, 2015, and Dr. Jayne Cernohous is the Interim Director.

**Jurisprudence/Professional Development Committee** – Jake Manahan reported that this committee has not met since the last Board meeting. The committee will be meeting after Joyce Nelson checks with PSI to see where they are at in the test writing process.

**Licensure & Credentials Committee** – Steven Sperling indicated that the Licensure & Credentials Committee is working through a backlog of licensure by credentials candidates. They will be meeting July 31<sup>st</sup> and will be conducting three Advanced Dental Therapist (ADT) interviews. The committee has a meeting scheduled in August that is devoted solely to ADT interviews.

**Licensing Update** – Joyce Nelson encouraged Board members to review the statistics that were included in the Board packet. Noting termination numbers, Nancy Kearn suggested that the board consider an emeritus status for licensees.

**Motion made to have the Licensure & Credentials Committee review and consider the establishment of an emeritus status.**

**MOTION:** Neal Benjamin

**SECOND:** Allen Rasmussen

**VOTE:** For: 9

Opposed: 0

**RESULT:** Motion Passed. Licensure & Credentials Committee will add emeritus status consideration to a future agenda.

**CRDTS** – David Gesko indicated that a written report was included in the Board packet.

**AADB** – Nancy Kearn indicated that a written report was included in the Board packet. She included notes from each speaker, and encourages the Board to attend the AADB meetings.

**Council of Health Boards** – No report

**Complaint Committee Reports** – Mary Liesch indicated that Complaint Unit reports, amended Joint Complaint Committee minutes and an OSAP report were included in the Board packet. Complaint numbers are on track to reach the average of 250 complaints for the year.

**CRDTS DH ERC** – Nancy indicated that her Board appointment will be ending in 2017. Her CRDTS DH ERC appointment will end in 2016. ERC appointments are for 6 years, so Nancy has discussed with CRDTS how to handle the next ERC term. They have suggested that the Board will need to write a letter to CRDTS asking them to appoint Nancy to the ERC for an additional year with a new hygiene member to fill the rest of the 6-year term once they are appointed to the Board.

**Motion made to send a letter to CRDTS requesting that they extend Nancy's DH ERC term for an additional year with a new dental hygiene Board member filling the remainder of the 6-year term.**

**MOTION:** Teri Youngdahl

**SECOND:** Jake Manahan

**VOTE:** For: 9

Opposed: 0

**RESULT:** Motion Passed. Letter will be sent to CRDTS.

**HPSP** – Allen Rasmussen indicated that a written report was included in the Board packet. Based on discussion at the HPSP meeting, Allen suggested that the public/media comment policy for the Board of Dentistry be reviewed. Policy Committee will add that topic to their agenda.

**Clinical Licensure Exam Committee** – Steven Sperling reported that the ADT exam was administered to 13 ADT candidates on July 6<sup>th</sup>. The CLE Committee will now be reviewing questions and preparing for the next ADT exam.

**Advertising Task Force** – No report

**Prescription Monitoring Program** – Neal Benjamin indicated that a written report was included in the Board packet. He noted that the minutes included were in draft form. Neal reported that the task force members have recommended that law enforcement agents be added to the task force.

**Community Water Fluoridation Committee** – No report

### **Travel Authorizations**

**September 17-19, 2015:** *Council on Licensure, Enforcement and Regulation (CLEAR) Annual Conference, Boston, MA.* Request approval for 1 to attend.

**MOTION:** Jake Manahan  
**SECOND:** Nancy Kearn  
**VOTE:** For: 9  
Opposed: 0  
**RESULT:** Motion Passed. Travel authorized as indicated.

**November 1-2, 2015:** *American Association of Dental Administrators (AADA) Meeting, Washington, DC.* Request approval for 2 to attend.

**MOTION:** Jake Manahan  
**SECOND:** Nancy Kearn  
**VOTE:** For: 9  
Opposed: 0  
**RESULT:** Motion Passed. Travel authorized as indicated.

**November 3-4, 2015:** *American Association for Dental Boards (AADB) Annual Meeting, Washington, DC.* Request approval for 5 to attend.

**MOTION:** Paul Walker  
**SECOND:** Nancy Kearn  
**VOTE:** For: 9  
Opposed: 0  
**RESULT:** Motion Passed. Travel authorized as indicated.

**November 5-10, 2015:** *American Dental Association (ADA) Annual Meeting, Washington, DC.* Request approval for 5 to attend.

**MOTION:** Paul Walker  
**SECOND:** Nancy Kearn  
**VOTE:** For: 9  
Opposed: 0  
**RESULT:** Motion Passed. Travel authorized as indicated.

1 **December 17-20, 2015: Western Regional Examining Board Dental Hygiene Exam, San Jose, CA.** Request  
2 approval for Nancy Kearn to attend.  
3

4 **MOTION: Paul Walker**  
5 **SECOND: Jake Manahan**  
6 **VOTE: For: 9**  
7 **Opposed: 0**  
8 **RESULT: Motion Passed. Travel authorized as indicated.**  
9

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11 **August 6-7, 2015: Commission on Dental Accreditation (CODA) Open Session- Chicago, IL.** Request approval  
12 for Nancy to attend.  
13

14 **MOTION: Jake Manahan**  
15 **SECOND: Steven Sperling**  
16 **VOTE: For: 9**  
17 **Opposed: 0**  
18 **RESULT: Motion Passed. Travel authorized as indicated.**  
19  
20

### 21 **Licenses for Ratification and Reinstatement**

22 Ratifications: March 26, 2015 through July 7, 2015  
23

24 **Motion: to approve all licenses submitted for ratification.**  
25

26 **MOTION: Nancy Kearn**  
27 **SECOND: Teri Youngdahl**  
28 **VOTE: For: 9**  
29 **Opposed: 0**  
30 **RESULT: Motion Passed. Licenses ratified as submitted.**  
31  
32

33 Reinstatements: March 26, 2015 through July 7, 2015  
34

35 **Motion: to approve all licenses submitted for reinstatement.**  
36

37 **MOTION: Nancy Kearn**  
38 **SECOND: Paul Walker**  
39 **VOTE: For: 9**  
40 **Opposed: 0**  
41 **RESULT: Motion Passed. Licenses reinstated as submitted.**  
42

## **Variance/Waiver Requests**

### **Stephen MacLeod, BDS: Variance request regarding on-site inspection for general anesthesia certification renewal**

Licensee holds a general anesthesia certificate. Licensee is due to complete an on-site inspection. He is not currently providing anesthesia in the State of Minnesota, but does practice dentistry in Illinois. To practice in Illinois, he must maintain a dental license in another state. He has chosen to maintain his general anesthesia certification in Minnesota, but has no plans of returning to Minnesota to practice dentistry in the near future. Licensee is requesting a variance to allow him to maintain his general anesthesia certificate without having to undergo an on-site inspection until such time that he returns to Minnesota and can participate in an inspection.

**Motion made to grant the variance request for Stephen MacLeod with the condition that at on-site inspection be completed prior to administering general anesthesia once he returns to Minnesota.**

**MOTION:** Teri Youngdahl

**SECOND:** Steven Sperling

**VOTE:** For: 9

Opposed: 0

**RESULT:** Motion passed. Variance to on-site inspection requirement approved with condition of having an on-site inspection prior to administering general anesthesia in the state.

### **Christopher Saylor, DDS: Waiver request regarding licensure by exam**

Licensee holds a resident dental license in Minnesota. He is enrolled in the U of M's Endodontic residency program until August 2016. Based on his program's teaching requirements, he would like to apply for a general dentist license at this time. His clinical and written exams were taken in May 2009, just over 5 years ago. Statue requires exams to have been taken within 5 years to apply for licensure by exam. Licensee is requesting a waiver of exams based on his scholastic standing at an accredited dental school.

**Motion made to grant the waiver request for Christopher Saylor.**

**MOTION:** Teri Youngdahl

**SECOND:** Neal Benjamin

**VOTE:** For: 9

Opposed: 0

**RESULT:** Motion passed. Waiver request granted.

## **New Business**

**Motion made to establish a task force of at least two but no more than three Board members to review how the budget is developed and how cash flows for the Board.**

**MOTION:** Neal Benjamin

**SECOND:** Jake Manahan

**VOTE:** For: 9

Opposed: 0

**RESULT:** Motion passed. Task Force will be set up. Members will be Neal Benjamin, Douglas Wolff and Steven Sperling.



1 **Review of Action Items**

2 The following list of action items was reviewed by the Board members:

- 3 1. Send out email to licensee's regarding increased fees – Board staff  
4 2. Add administrative penalties language to Policy Committee agenda – Neal  
5 3. Review & consider establishment of emeritus status – Licensure & Credentials Committee  
6 4. Review public/media comment policy – Policy Committee  
7 5. Review IOPP – Executive Committee  
8  
9

10 **ADJOURN**

11 The Minnesota Board of Dentistry public meeting adjourned at 12:17 pm to reconvene in closed  
12 Executive session at 1:00 pm.  
13

14 Minutes Approved by the Minnesota Board of Dentistry  
15 this 30<sup>th</sup> day of October, 2015  
16

17   
18 \_\_\_\_\_  
19 David Gesko, DDS, President  
20